

Message Text

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ACTION EB-07

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 DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 H-02 /037 W

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 7128

INFO AMCONSUL RIO DE JANEIRO

UNCLAS BRASILIA 6795

E.O. 11652: N/A

TAGS: EAIR, BR

SUBJECT: CIVAIR - DISCRIMINATIRY BRAZILIAN PRACTICES AGAINST PANAM

REF: STATE 176341

1. SUMMARY. THIS TELEGRAM SETS FORTH PROPOSED COURSE OF ACTION FOR DEALING WITH PANAM SUBMISSION. END SUMMARY.

2. EMBASSY AGREES THAT MOST OF THE PRACTICES LISTED IN PANAM SUBMISSION APPEAR TO CONSTITUTE DISCRIMINATORY AND UNFAIR COMPETITIVE PRACTICES AGAINST A US CARRIER, TO BE RAISED WITH GOB PURSUANT TO SECTION F OF FINAL ACT. IN CONFORMANCE WITH FORMINISTRY GUIDELINES, WE PROPOSE TO MAKE THIS SUBMISSION IN THE FORM OF DIPLOMATIC NOTE, WITH ATECHNICAL ANNEX DEVELOPING AND DOCUMENTING EACH OF THE POINTS RAISED IN THE NOTE IN GREATER DETAIL. THE FORMAT THUS WOULD CLEARLY IDENTIFY THE US GOVERNMENT WITH EACH OF THE POINTS RETAINED FROM THE PANAM SUBMISSION. AT THE TIME EMBASSY MAKES PRESENTATION, CONGEN RIO WILL SUBMIT INFORMATION COPY OF US NOTE AND ITS ANNEX DIRECTLY TO CERNAL.

3. EMBASSY AND CONGEN ARE CURRENTLY REVIEWING THE PANAM SUBMISSION IN GREATER DETAIL TO REACH DEFINITIVE CONCLUSIONS ON WHETHER ALL OF PANAM'S PONT'S SHOULD BE RAISED OR, IF NOT, WHICH POINTS SHOULD, IN OUR VIEW, BE PURSUED. WE ALSO PLAN TO DISCUSS FURTHER PANAM SUBMISSION WITH PANAM REPRESENTATIVE TO EXAMINE WITH HIM SOME OF THE QUESTIONS WHICH HAVE ARISEN IN THE

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COURSE OF OUR REVIEW. THIS MEETING IS NOW SCHEDULED TENTATIVELY

FOR AUGUST 9.

4. IN ADDITION, WE BELIEVE THE SUBSTANCE OF THE NOTE SHOULD BE REVIEWED WITH BRANIFF, ALTHOUGH IN THE PAST BRANIFF-RIO HAS BEEN RELUCTANT TO BECOME INVOLVED IN US DEMARCHES ON DISCRIMINATORY PRACTICES. THEREFORE, WE RECOMMEND THAT THE DEPARTMENT REVIEW WITH BRANIFF-WASHINGTON. US PRESENTATION THUS SHOULD REFLECT THE CONCERNS OF BOTH US CARRIERS.

5. AFTER THE DISCUSSIONS WITH PANAM AND BRANIFF REPS, EMBASSY WILL SUBMIT PROPOSED TEXT OF US NOTE AND ANNEX TO DEPARTMENT FOR REVIEW AND APPROVAL. OUR PRELIMINARY THINKING IS THAT SOME OF THE POINTS IN PANAM SUBMISSION DEALING WITH AIR CARGO SHOULD ALSO BE RAISED IN THE NEXT MEETING OF THE US-BRAZIL CONSULTATIVE SUB-GROUP ON TRADE, ANTICIPATED FOR WEEK OF AUGUST 30 IN BRASILIA, TOGETHER WITH CERTAIN OTHER DISCRIMINATORY PRACTICES AGAINST US SHIPPING INTERESTS. SEPARATE RECOMMENDATIONS ON THIS WILL FOLLOW.

6. ACTION REQUESTED: REFTEL LEAVES OPEN QUESTION WHETHER ALL THE POINTS RAISED IN PANAM SUBMISSION SHOULD BE PRESENTED AS DISCRIMINATORY PRACTICES UNDER SECTION F OF FINAL ACT. EMBASSY WOULD APPRECIATE DEPARTMENT'S VIEWS CONCERNING POINTS AND ARGUMENTS IN PANAM SUBMISSION WHICH APPEAR QUESTIONABLE. IF POSSIBLE, WE WOULD LIKE TO HAVE THESE VIEWS BEFORE OUR MEETING WITH PANAM REP SO THAT WE CAN EXPLORE DEPARTMENT'S POSSIBLE RESERVATIONS. WE WOULD ALSO APPRECIATE ANY OTHER COMMENTS AND SUGGESTIONS THAT MIGHT BE OF ASSISTANCE IN RE-WORKING THE SUBMISSION, INCLUDING THE RESULT OF THE DEPARTMENT'S CONSULTATIONS WITH BRANIFF-WASHINGTON.
CRIMMINS

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